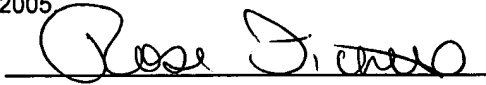




Attorney Docket No. 0756-1790

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	) Group Art Unit: 2871
Toshimitsu KONUMA et al.	) Examiner: D. Nguyen
Serial No. 09/059,562	) <u>CERTIFICATE OF MAILING</u>
Filed: April 14, 1998	) I hereby certify that this correspondence is
For: LIQUID-CRYSTAL ELECTRO-	) being deposited with the United States Postal
OPTICAL APPARATUS AND	) Service with sufficient postage as First Class
METHOD OF MANUFACTURING	) Mail in an envelope addressed to:
THE SAME	) Commissioner for Patents, P.O. Box 1450,
	) Alexandria, VA 22313-1450, on August 19,
	) 2005
) 

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed April 19, 2005, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 19, 2005. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 14, 1998, June 7, 2000, August 11, 2000, October 14, 2000, January 25, 2005, and January 24, 2005.

Claims 31-33, 38, 39, 46-51, 55-58, 65, 66, 83-94, 99, 106-110 and 115-135 are pending in the present application, of which claims 31-33, 55, 56, 99, 109, 116, 117 and 128 are independent. Claims 38, 39, 83-94, 99, 106-108, 116-119, 122, 123 and 128-132 have been withdrawn from consideration. Accordingly, claims 31-33, 46-51, 55-58, 65, 66, 109, 110, 115, 120, 121, 124-127 and 133-135 are currently elected, of which claims 31-33, 55, 56 and 109 are independent. For the reasons set forth in detail

below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action objects to the *Amendment* filed April 26, 2004, under 35 U.S.C. § 132(a) asserting that the *Amendment* "introduces new matter into the disclosure" (page 2, Paper No. 041605). Paragraph 5 of the Official Action rejects claims 55-58, 65 and 66 under 35 U.S.C. § 112, first paragraph, "as failing to comply with the written description requirement" (page 3, *Id.*). Specifically, the Official Action asserts that the specification does not provide support for or an adequate description of "said column-shape resin is formed by disposing a mixture of the liquid crystal and a curable resin between the pair of substrates and curing said curable resin" (*Id.*). The Applicants respectfully disagree.

The present specification teaches that "the uncured resin is coated on the oriented means and cured by means for curing the uncured resin mixed into the liquid-crystal material" (page 21, lines 28-30) and that "by making the density of resin material added in liquid-crystal material high or by controlling the kind of the orientation film or the curing method or the like in order to form the resin film 6, there is a case where the resin (21) is formed in a column-shape between two substrates" (page 24, lines 8-12). Therefore, the Applicants respectfully submit that the specification has clear support for and an adequate description of the claimed feature "said column-shape resin is formed by disposing a mixture of the liquid crystal and a curable resin between the pair of substrates and curing said curable resin." Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 132(a) and 112 are in order and respectfully requested.


Paragraph 7 of the Official Action rejects claims 31-33, 49-51, 109, 110, 115, 120, 121, 124-127 and 133-135 under the doctrine of obviousness-type double patenting over claims 1-4 and 17-19 of U.S. Patent No. 5,594,569 to Konuma et al. The Applicants respectfully submit that the subject application is patentably distinct from the claims of Konuma '569.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection. Independent claims 31-33 and 109 recite that that a portion of a resin is contiguous to an orientation film and to a film provided over a second substrate, and it is respectfully submitted that claims 31-33, 49-51, 109, 110, 115, 120, 121, 124-127 and 133-135 of the present application are not a timewise extension of the invention as claimed in Konuma '569. The claims of Konuma '569 do not teach or suggest the above-referenced features of the present invention. Reconsideration of the obviousness-type double patenting rejection is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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